

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:06CR3107
	)	
V.	)	
	)	
DAGOBERTO FIGUEROA-CUEVAS,	)	MEMORANDUM
	)	AND ORDER
Defendant.	)	

I held a telephone conference with counsel today regarding two matters. The first issue regarded trial scheduling and the second issue involved a Brady matter.

The government seeks a continuance of trial because its case agent will be attending a clandestine laboratory school at the time this case is now scheduled for trial. Although defense counsel objects to the continuance because he does not have authorization from his client to do otherwise, I find that good cause has been shown and I will grant the motion.

Regarding the Brady issue, I will direct the government to provide certain records. If the defendant thinks my direction is insufficient, he should file a formal motion.

IT IS ORDERED that:

(1) Trial of this case is continued to 9:00 a.m., Monday, October 2, 2006, as the first criminal case, for four days, before the undersigned United States district judge, in Lincoln, Nebraska. Since this is a criminal case, the defendant shall be present unless excused by the court.

(2) The time between September 18, 2006 and October 2, 2006 is excluded under the Speedy Trial Act and in the interest of justice. See 18 U.S.C. § 3161(h)(1)(I)&(h)(8)(A)(B).

(3) As soon as reasonably possible, the government is directed to provide to defense counsel all reports regarding Butol Chicol-Xovin or “Fernando” involving drug distribution at or through the El Tucanoso bar and restaurant in Grand Island, Nebraska between September 27, 2004 and September 11, 2006.

(4) The government’s motion to continue trial (filing 11) is granted.

September 11, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge